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U.S. levied \$3,555 in fines at Edison landfill

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EDISON — Fines totaling \$3,555 were collected by federal authorities last year, The Courier-News has learned, in connection with 32 violations of federal law discovered at the Kin-Buc Inc. landfill site here following the death of an employee in October, 1974.

Federal environmental officials earlier this week confirmed reports that the landfill, which receives some 50 million gallons of hazardous chemical

industrial wastes for disposal in the flood plain of the Raritan River each year, is now the subject of an extensive probe into levels of air and water pollution at the site.

Documents obtained yesterday confirm that the fines were collected following a series of investigations by the federal Occupational Safety and Health Administration (OSHA) on the 30-acre site, which lies off Meadow Road.

OSHA officials said the inspections

were made as a "routine procedure" following notification of the accidental death of Donald Amatel while he was driving a bulldozer on the site Oct. 11, 1974. Federal law requires that OSHA be notified with 24 hours of all such occupationally related deaths.

Amatel, 46, of 1074 Anna St., Elizabeth, received burns over 85 per cent of his body when the bulldozer he was operating burst into flames after crushing a 55-gallon drum containing chemicals. He died the following day at a specialized "burn center" in Chester, Pa.

In another matter involving the Kin-Buc landfill, Middlesex County Court Judge Herman Breitkopf this week decided a variance is required for the landfill to construct tanks on a site adjacent to the present landfill operation.

A legal complaint filed by the Environmental Services Co., a partner with Scientific Inc., said the tanks were being installed "for processing chemicals" and contested zoning officer James Rossi's refusal to issue a building permit.

The issue was appealed first to the Board of Adjustment, which held a hearing on Oct. 14 of last year and then, on Nov. 18, ruled in favor of the zoning officer, Rossi.

Malcomb Busch, the attorney who represented Environmental Services in the matter, could not be reached yesterday to comment on the likelihood that the decision will be appealed to a higher court.

Unless state officials supercede the township zoning laws, or Judge Breitkopf's decision is reversed by a higher court, the landfill operators will need a local zoning variance to expand beyond the current 30-acre landfill site, which state officials are attempting to close.

Edison Township Mayor Thomas Paterniti told a press conference this week he intends to do everything possible to completely close the landfill, which accepts over 250,000 tons of refuse a year in addition to the liquid chemical wastes.

OSHA record, supplied to The Courier-News following submission of a Freedom of Information Act request, show that inspections by the federal agency resulted in allegations of 32 violations of the federal rules governing worker health and safety in connection with operation of the Kin-Buc landfill, which is owned by Scientific Inc. of Scotch Plains.

While 27 of the violations were classified as "non-serious" by OSHA, and were not contested by the landfill operators, five of the allegations were labeled "serious" by the federal officials. These charges, for which fines of \$700 each were initially proposed by OSHA, were contested by the owners of the landfill.

Among the five "serious" charges were allegations that:

—"The employer failed to provide a safe working place for his employees due to the fact that drums of unknown

substance were accepted at the landfill. "Prior history of the landfill indicates the need to examine and test the contents of these drums, and as yet no adequate program has been put into effect," according to OSHA.

Although the OSHA documents do not elaborate on the history of the landfill, a number of employees had been previously injured during fires that have occurred periodically at the landfill since at least 1972.

—"Respirators were not provided by the employer even though company reports and past experience indicate that this equipment is necessary to protect the health of employees.

"The employees are subject to . . . fires giving off toxic fumes. The employees are required to fight these fires with earth moving equipment."

—"Protective equipment, including personal protective equipment for the eyes, face, head and extremities, protective clothing, respiratory devices and protective shields and barriers were not provided or used even though it was necessary by reason of hazards encountered in a manner capable of causing injury or impairment in the functioning of the body.

"The employee testing for the flammability of unknown jars of liquids at bench located in the office area did so by holding a match to the liquid, thereby becoming exposed to the possibility of flash fire or explosion . . ."

The other two alleged violations classified as "serious" concerned the

location and availability of water and fire extinguishers.

A hearing on the five charges conducted by the landfill owners was conducted in Newark on March 4, 1975, before OSHA Judge James P. O'Connell.

On March 27 of last year Judge O'Connell found that the charges being contested either had been, or soon would be, "abated." In place of the original \$3,500 proposed fine for the five "serious" violations the ruling reduced the fine to a total of \$1,550, which was accepted by the attorneys representing the landfill.

Combined with the \$2,005 assessed for the non-contested 27 "non-serious" violations, therefore, the total fine levied by OSHA against the landfill amounted to \$3,555. That amount was paid in the form of a check mailed to OSHA.

Edward J. Egan, attorney for the landfill owners, on May 9 of last year. Contacted at his Scotch Plains office yesterday, Dr. Marvin Mahan, president and principal owner of Scientific Inc., stressed that the death was "strictly industrial accident" and did not result from the manner in which the landfill "routinely operated."

Adding that he was not personally involved in the legal matters concerning the case, Mahan said the company had, however, come into compliance with the requirements imposed by OSHA.

Although the chemicals that caused the explosion were officially recorded as "unknown" Mahan said he believed either cleaning solvents or lacquer thinners were responsible for the fire.